

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM A. WHITE,

Plaintiff,

v.

OFFICE OF THE FEDERAL DEFENDER FOR  
THE MIDDLE DISTRICT OF FLORIDA,

Defendant.

Case No. 16-cv-971-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the Court for case management purposes. It has come to the Court's attention that plaintiff William A. White was granted leave to proceed *in forma pauperis* in September 2016, but that the Court made no provision for issuance and service of process. Having been granted leave to proceed *in forma pauperis*, White is entitled to rely on the Court to direct issuance and service of process. *See* 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3). Needless to say, service has not been accomplished within the 120-day time limit set forth in the version of Federal Rule of Civil Procedure 4(m) in effect when White filed this case.

Because White is not at fault for failing to achieve service within the time limit set forth in Rule 4(m), the Court finds there is good cause for the delay in service. Accordingly, the Court **ORDERS** that White shall have 90 days, the period provided for service under the current version of Rule 4(m), from entry of this order to service process in this case.

The Court **DIRECTS** the Clerk of Court to complete, on Plaintiff's behalf, a summons and form USM-285 for service of process on defendant **OFFICE OF THE FEDERAL DEFENDER FOR THE MIDDLE DISTRICT OF FLORIDA** and to issue a completed summons. The Clerk shall provide the United States Marshal all necessary materials and copies for service.

The United States Marshal **SHALL**, within 90 days of the date of this order, serve defendant **OFFICE OF THE FEDERAL DEFENDER FOR THE MIDDLE DISTRICT OF FLORIDA** pursuant to Rule 4(i)(2) of the Federal Rules of Civil Procedure by sending a copy of the summons and complaint to the agency by registered or certified mail.

In addition, pursuant to Federal Rule of Civil Procedure 4(i)(1), the United States Marshal **SHALL** (1) personally deliver to or send by registered or certified mail addressed to the

civil-process clerk at the office of the United States Attorney for the Southern District of Illinois a copy of the summons and the complaint; and (2) send by registered or certified mail to the Attorney General of the United States at Washington, D.C., a copy of the summons and the complaint. All costs of service shall be advanced by the United States.

It is **FURTHER ORDERED** that Plaintiff shall serve upon Defendant, or if an appearance has been entered by counsel, upon that attorney, a copy of every pleading or other document submitted for consideration by this Court. Plaintiff shall include with the original paper to be filed a certificate stating the date that a true and correct copy of the document was mailed to each defendant or counsel. Any paper received by a district judge or a magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service will be disregarded by the Court.

Defendant is **ORDERED** to timely file an appropriate responsive pleading to the complaint and shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g).

Further, this entire matter is **REFERRED** to United States Magistrate Judge Donald G. Wilkerson for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

**IT IS SO ORDERED.**

**DATED:** June 19, 2017

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**